

**IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF TEXAS FT. WORTH DIVISION**

EUGENIO VARGAS
Plaintiff/Counterclaim Defendant

V.

Case No. 4:22-CV-00430-Y

**ASSOCIATION OF
PROFESSIONAL FLIGHT
ATTENDANTS, JULIE HEDRICK,
ERIK HARRIS**

Defendants/Counterclaim Plaintiff.

**PLAINTIFF'S MOTION TO VACATE ORDER PURSUANT TO FED. R. CIV. P. 54(b)
and 59(e), AND LEAVE TO AMEND COMPLAINT
PURSUANT TO FED. R. CIV. P. 15(a)**

TO THE HONORABLE JUDGE OF SAID COURT:

PLEASE TAKE NOTICE that Plaintiff moves the Court, pursuant to Rule 15(a), Rule 54 (b) and Rule 59 (e) of the Federal Rules of Civil Procedure, for an Order as follows:

- (1) Setting aside this Court's October 27, 2022 Order Granting Defendant Association of Professional Flight Attendants, Julie Hedrick and Erik Harris' Motion to Dismiss; and
- (2) Granting Plaintiff's leave to Amend the Original Complaint.

This Motion is based upon all records and proceedings as well as the Memorandum of Law submitted with this Motion. Hereto attached and marked as "Exhibit A" is a proposed

Amended Complaint in which Plaintiff respectfully requests the Court to grant Plaintiff's Motion for Leave to Amend the Original Complaint.

Respectfully submitted,
K.D. PHILLIPS LAW FIRM, PLLC

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I, Kerri Phillips, attorney for Plaintiff Eugenio Vargas, hereby certify that on the 8th day of November 2022, I emailed with Sanford Denison, counsel for Defendant APFA, to inform him of the filing of this motion. As Mr. Denison is opposed, this motion is submitted to the Court for determination.

CERTIFICATE OF SERVICE

I certify that true and correct copy of this document was sent to all counsel of record, hereunder listed via ECF filing on this the 9th day of November 2022.

William Osborne
Sanford Denison

/s/ Kerri Phillips
Kerri Phillips